

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

|   |   |                      |
|---|---|----------------------|
| In the Matter of  | ) |                      |
|   | ) |                      |
| Lifeline and Link Up Reform and<br>Modernization                      | ) | WC Docket No. 11-42  |
|   | ) |                      |
| Telecommunications Carriers Eligible for<br>Universal Service Support | ) | WC Docket No. 09-197 |
|   | ) |                      |
| Connect America Fund  | ) | WC Docket No. 10-90  |
|   | ) |                      |

**CONSOLIDATED OPPOSITION OF THE GREENLINING INSTITUTE, CENTER FOR  
MEDIA JUSTICE, CENTER FOR ACCESSIBLE TECHNOLOGY, MEDIA ALLIANCE,  
98.9 FM -- THE SOUTHSIDE MEDIA PROJECT, APPALSHOP, ART IS CHANGE,  
FREE! FAMILIES, RALLY FOR EMANCIPATION AND EMPOWERMENT,  
GENERATION JUSTICE, LINE BREAK MEDIA, MARTINEZ STREET WOMEN'S  
CENTER, OPEN ACCESS CONNECTIONS, OVEC (OHIO VALLEY  
ENVIRONMENTAL COALITION), PEOPLES PRESS PROJECT, PROMETHEUS  
RADIO PROJECT, ST. PAUL NEIGHBORHOOD NETWORK (SPNN), AND URBANA-  
CHAMPAIGN INDEPENDENT MEDIA CENTER TO PETITIONS FOR  
RECONSIDERATION AND CLARIFICATION OF CTIA, GENERAL  
COMMUNICATION, INC., JOINT LIFELINE ETC PETITIONERS, NCTA/WTA,  
TRACFONE, AND USTELECOM**

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**INTRODUCTION**

Pursuant to Section 1.429, subdivision (f), of the Commission's Rules of Practice and Procedure, The Greenlining Institute, Center For Media Justice, Center for Accessible Technology, Media Alliance, 98.9 FM -- The Southside Media Project, Appalshop, Art Is Change, FREE! Families, Rally for Emancipation and Empowerment, Generation Justice, Line Break Media, Martinez Street Women's Center, Open Access Connections, OVEC (Ohio Valley Environmental Coalition), Prometheus Radio Project, St. Paul Neighborhood Network (SPNN), and Urbana-Champaign Independent Media Center (collectively, Joint Consumers) submit this Consolidated

Opposition to Petitions For Reconsideration and Clarification of CTIA,<sup>1</sup> General Communication, Inc. (General Communication),<sup>2</sup> Joint Lifeline ETC Petitioners (Joint Petitioners),<sup>3</sup> NTCA—The Rural Broadband Association and WTA—Advocates for Rural Broadband (NCTA/WTB),<sup>4</sup> TracFone,<sup>5</sup> and United States Telecom Association (USTelecom)<sup>6</sup> (collectively, Industry Petitioners).

## SUMMARY

This Consolidated Opposition addresses two categories of Industry Petitioner requests for modification: (1) requests for changes that would disrupt the ability of consumers to participate in Lifeline for the convenience of carriers, and (2) requests for changes that would weaken or eliminate service quality standards, leaving program participants with sub-par, “second-class” service. These changes would be detrimental to all consumers, particularly consumers from communities of color and consumers with disabilities. Accordingly, the Commission should deny the requested modifications.

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<sup>1</sup> Petition for Reconsideration of CTIA (June 23, 2016) (CTIA Petition).

<sup>2</sup> General Communication, Inc. Petition for Reconsideration and/or Clarification (June 23, 2016) (General Communication Petition).

<sup>3</sup> Joint Lifeline ETC Petitioners’ Petition for Partial Reconsideration and Clarification (June 23, 2016) (Joint Petitioners Petition).

<sup>4</sup> Petition for Reconsideration/Clarification of NTCA—The Rural Broadband Association and WTA—Advocates for Rural Broadband (June 23, 2016) (NTCA/WTB Petition).

<sup>5</sup> Petition for Reconsideration (June 23, 2016) (TracFone Petition).

<sup>6</sup> United States Telecom Association Petition for Reconsideration and Clarification (June 23, 2016) (USTelecom Petition).

## **ARGUMENT**

### **I. THE COMMISSION SHOULD NOT DISRUPT THE ABILITY OF ELIGIBLE CONSUMERS TO PARTICIPATE IN THE LIFELINE PROGRAM FOR THE CONVENIENCE OF INDUSTRY PETITIONERS.**

As the Order notes, Industry Petitioners agree that the time has come to add broadband to the Lifeline program.<sup>7</sup> However, Industry Petitioners balk at requirements that require carriers to help move towards that transition, and instead offer a host of suggested modifications that minimize Industry Petitioners' involvement in the Commission's transition plan. Joint Consumers support a program that is easy for the Commission and carriers to administer. However, that ease of administration should not come at the cost of ease of participation by eligible consumers. Joint Consumers oppose requests by carriers which would make it harder for consumers to participate in Lifeline, including delaying the implementation of subsidies for broadband service and eliminating rolling recertification.

#### **A. The Commission Should Maintain its Schedule for Implementing Lifeline Support for Broadband Services.**

The FCC has required providers to implement Lifeline support for broadband services beginning December 1, 2016.<sup>8</sup> Some providers are asking the FCC to delay the implementation of Lifeline for broadband until the national verifier takes over. For example, USTA states that carriers need more time to "modify systems to identify those locations where LL BB must be made available."<sup>9</sup> While Joint Consumers find this claim dubious, Joint Consumers are more concerned that a delay in implementing broadband Lifeline could result in reduced availability of those services.

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<sup>7</sup> Order at ¶ 30.

<sup>8</sup> Order at ¶ 65.

<sup>9</sup> USTA Petition at 9.

The purpose of the Lifeline program is not to ensure that providers offer broadband services to a legally required minimum threshold of customers. Rather, Lifeline is critical tool for ensuring that **everyone** has access to advanced telecommunications services. Providers undoubtedly want to determine exactly where they are obligated to provide broadband Lifeline to ensure that they meet the obligations of the Order. However, a provider that is overly focused on identifying those portions of its service territory where it is obligated to provide broadband Lifeline could end up neglecting eligible customers in the rest of its service territory. As a result, a substantial number of low-income households would continue to be deprived of a critically necessary communications service. Industry Petitioners' requested delay of broadband Lifeline will not help ensure truly universal service.

In fact, there is a much easier, cleaner option for carriers that would also promote the Commission's universal service goals. USTA's members, and other providers, could easily meet the terms of the Order simply by making Lifeline for broadband available everywhere they offer broadband services. Granting USTA's request to delay the implementation date for broadband Lifeline poses a substantial risk that carriers would end up offering broadband services to fewer eligible customers in their service territories. This reduced availability would run counter to the Commission's goal of encouraging providers to increase participation in the Lifeline program.<sup>10</sup>

#### **B. The Commission Should Maintain Its Rules Regarding Rolling Recertification.**

Joint Consumers support the Commission's rules providing for "rolling certification," which require that participants recertify by the anniversary of their initial enrollment date.<sup>11</sup> Some Industry Petitioners ask the Commission to instead require annual recertification, which

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<sup>10</sup> Order at ¶ 5.

<sup>11</sup> *Id.* at ¶ 418.

would require that participants recertify by December 31 every year.<sup>12</sup> Other Industry Petitioners ask the Commission to require eligible participants to recertify whenever they switch providers.<sup>13</sup> The Commission should reject these requests.

Industry Petitioners' requests erroneously assume that Lifeline subsidies belongs to providers, and that the Commission should therefore design administration of those subsidies to be as convenient for providers as possible. However, the Lifeline subsidy attaches to qualifying **households**, not providers, and the Commission should design the program to be as convenient as possible for program participants. Industry Petitioners' proposal may benefit providers, but would be inconvenient and confusing for eligible participants who could end up being forced to recertify multiple times a year. Additionally, a requirement that participants recertify every time they switched providers might require participants to submit personal information multiple times, creating serious privacy concerns. For some customers, these obstacles would create a significant disincentive to participate in the program.

Even if, as Industry Petitioners assert, rolling recertification does "nothing whatsoever" to prevent waste, fraud and abuse,<sup>14</sup> rolling recertification simplifies the recertification process for Lifeline participants and the community-based organizations that serve them. Additionally, as discussed above, rolling recertification helps protect participants' privacy. Accordingly, the Commission should reject Industry Petitioners' requests for modification to the recertification requirements.

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<sup>12</sup> General Communication Petition at 9; NCTA/WTB at 14-15; US Telecom Petition at 3-4.

<sup>13</sup> Joint Petitioners Petition at 20.

<sup>14</sup> US Telecom Petition at 3.

## II. THE COMMISSION SHOULD REJECT INDUSTRY PETITIONERS' PROPOSED CHANGES TO THE ORDER THAT WEAKEN OR ELIMINATE SERVICE QUALITY STANDARDS.

Joint Consumers similarly oppose carrier requests for changes to the Order that would allow providers to increase their profits at the expense of service quality. Providers argue that the Commission should eliminate service quality standards or let carriers “opt out” of service quality standards. Providers’ requests include asking the Commission to:

- Eliminate the requirement that a provider not make material changes to its plan for the first 12 months a subscriber has service without the consent of the subscriber.<sup>15</sup>
- Allow providers to offer a decremented (i.e., diminished) bundle option that does not meet the minimum standards for either voice or broadband services.<sup>16</sup>
- Eliminate minimum minutes standards for wireless;<sup>17</sup> and
- Reduce the minimum allowable speeds, data offerings, and usage standards for broadband services.<sup>18</sup>

Similarly, US Telecom advocates changes that would allow providers to escape their obligation to provide Lifeline **altogether**, by eliminating the requirement that the last Lifeline provider in a census block must continue to offer voice Lifeline service.<sup>19</sup>

These requests and their supporting arguments are nothing more than a reframing of carriers’ arguments for a “market-based” Lifeline program, which the Commission wisely rejected in its Order.<sup>20</sup> As Joint Commenters have previously noted,<sup>21</sup> and the Order

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<sup>15</sup> *Id.* at 5.

<sup>16</sup> Joint Petitioners Petition at 11.

<sup>17</sup> CTIA Petition at 3; TracFone Petition at 12. TracFone states that it “would cost approximately \$40 per month to provide a Lifeline consumer with a smartphone, unlimited voice and texts, and 1 GB of data. *Id.* However, based on the rest of TracFone’s argument, it would be more precise to state that TracFone would **charge** customers that amount.

<sup>18</sup> CTIA Petition at 5-6; Joint Petitioners Petition at 5; NCTA/WTB Petition at 2-3; TracFone Petition at 9, 12.

<sup>19</sup> US Telecom Petition at 12-13.

<sup>20</sup> Order at ¶ 104.



acknowledges,<sup>22</sup> these requests could all result in Lifeline subscribers receiving substandard, “second-class” service. Lifeline subscribers are entitled to the same level and quality of service as every other subscriber. Providers should not be able to collect a generous Lifeline subsidy in exchange for offering low quality service, and the Commission should reject providers’ attempts to weaken or eliminate service quality standards.

Additionally, Industry Petitioners’ requests regarding service quality levels are, at best, premature. As Joint Consumers have noted, while providers in California made similar arguments that the California Public Utilities Commission’s creation of service quality standards for the California LifeLine program would lead to a lack of participation, participation in the California’s LifeLine program has skyrocketed.<sup>23</sup> Industry Petitioners’ arguments in this proceeding are similarly unfounded, and the Commission should not make changes to the Order until and unless it has collected sufficient data to indicate that changes are necessary.

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<sup>21</sup> The Greenlining Institute et al., Opening Comments on Second Further NPRM at 12 (August 31, 2015).

<sup>22</sup> Order at ¶ 104.

<sup>23</sup> *Id.* at 18.

## CONCLUSION

The Commission should not disrupt the ability of eligible consumers to participate in the Lifeline program for the convenience of providers. Additionally, the Commission should not make changes to the Lifeline program that weaken or eliminate service quality standards. Accordingly, Joint Consumers respectfully request that the Commission deny Industry Petitioners' Petitions for Reconsideration and Clarification.

Respectfully submitted,

Dated: July 29, 2016

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Brian Dolinar

Urbana-Champaign Independent Media  
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**CERTIFICATE OF SERVICE**

I, Paul Goodman, do hereby certify that on July 29, 2016, I served, as specified, a copy of the foregoing

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